
To: Audit, Risk and Scrutiny Board

On: 23 November 2020

Report by: Director of Finance & Resources

**Heading: Commissioner for Ethical Standards in Public Life in
Scotland – Annual Report 2019/20**

1. Summary

- 1.1 The Commissioner for Ethical Standards in Public Life in Scotland has issued her 2019/20 annual report. The report is available on the Commissioner's website at

<https://www.ethicalstandards.org.uk/sites/default/files/publications/ESC%20Annual%20Report%20and%20Accounts%202019-20%20FINAL.pdf>

- 1.2 The report provides details of investigation of complaints about the conduct of councillors, members of devolved public bodies and MSPs and scrutiny of Scotland's Ministerial public appointments process. Where there has been contravention of the relevant Code, the Commissioner reports this, in the case of councillors and members of public bodies, to the Standards Commission for Scotland and in the case of MSPs and in relation to lobbying complaints, to the Scottish Parliament.
- 1.3 The statutory functions of the Commissioner in relation to conduct and public appointments are set out in the report, together with details of the restructure exercise that was conducted.
- 1.4 The report relates to the strategic plan for 2020 to 2024.

2. Recommendations

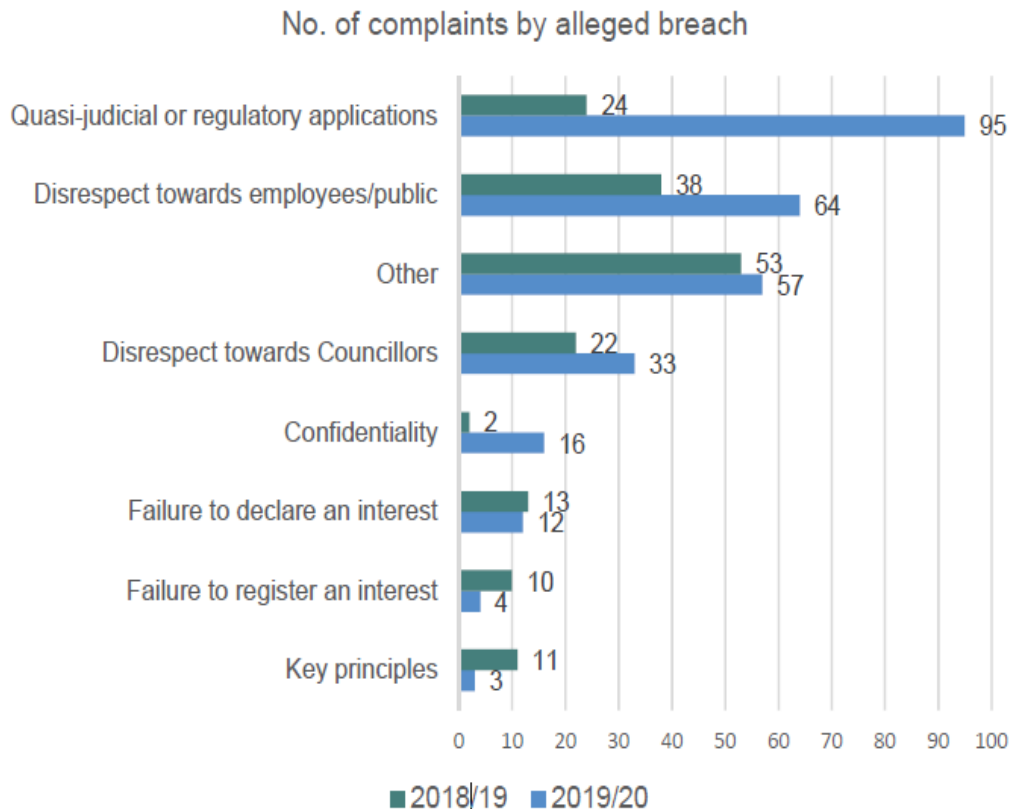
- 2.1 That the 2019/20 Annual Report by the Commissioner for Ethical Standards in Public Life in Scotland be noted; and
 - 2.2 That the actions taken in Renfrewshire in relation to the Code of Conduct and members' training and development as detailed in the report be noted.
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3. Background

- 3.1 On 1 April 2019 Caroline Anderson commenced her term as Ethical Standards Commissioner. The annual report indicates that the restructure proved incredibly challenging but had delivered significant benefits.
- 3.2 The implementation of the restructure was punctuated by the pandemic. However, in anticipation of lockdown, business continuity procedures were put into place on 16 March and despite the significant challenges of remote working in an emergency context, the doubling in the volume of incoming complaints and staff vacancies throughout 2019 of up to 70%, the inherited backlog has been cleared and investigations in progress are all current.

Complaints About Conduct

- 3.3 The report advised that nationally the Commission experienced an increase in the number of complaints received. The largest category of complaints related to quasi-judicial or regulatory applications (95).
- 3.4 Nationally, during 2019/20 the Commissioner received a total of 284 complaints, compared with 173 in 2018/19. Complaints originated from: Members of the Public (213); Councillors (34); Council employees (30) and Others (7).
- 3.5 The categories of complaints received, and the number of complaints received for 2019/20 are indicated below and are compared with the figures for 2018/19:



- 3.6 Nationally a total of 29 cases progressed to full investigation and were reported on and finalised during the year, with 4 being breach reports (regarding 8 complaints) which were heard by the Standards Commission, and 13 being reported on as non-breach (regarding 21 complaints). The pandemic delayed completion of a number of investigations until after the year end, when a further 8 breach reports were issued. These were included in the “Open at year end” figures.
- 3.7 No specific figures relative to Renfrewshire Council are included in the report. However, information has been received separately from the Commissioner that, during the period covered by the report, five complaints were received compared with three in 2018/19 and four in 2017/18.

4. Code of Conduct

- 4.1 Due to the lockdown arrangements that have been in place, the Council has not been able to deliver against the Council’s induction programme of events and development opportunities for councillors. However, elected members were provided with many opportunities for training. The Head of Corporate Governance is available for members should they wish to seek advice on the Code of Conduct generally and specifically in relation to the registration and declaration of interests.

5. Public Appointments

5.1 The Commission regulates how Scottish Ministers make appointments to the boards of public bodies that are within their remit.

5.2 The Scottish Government and the Commissioner continue to share the objective of securing effective, diverse boards reflective of society and the communities that they serve. The Commissioner plans to put new measures in place which are geared towards the achievement of that objective. Additionally, and to ensure that progress is subject to proper debate and scrutiny, the Commissioner will be reporting more frequently and publicly than has previously been the case. This will represent a move towards a more traditional regulatory model, as discussed with the Scottish Government and the Scottish Parliament during the course of the year covered by the report.

5.3 The Commissioner has continued to support improvement by allocating Public Appointments Advisers (PAAs) to engage early with panels on an appointment round by appointment round basis. That engagement is intended to support succession planning and to assist panels towards selecting the most appropriate methods for the attraction and assessment of applicants for board roles.

6 Future Plans

6.1 Details about the Commissioner's planned work on public appointments are set out in the Strategic Plan 2020 to 2024 and in the Annual Report on Public Appointments 2019/20, both available on their website.

Implications of the Report

1. **Financial** - None
2. **HR & Organisational Development** - None
3. **Community Planning** – None
4. **Legal** - None
5. **Property/Assets** – None
6. **Information Technology** - None
7. **Equality & Human Rights** – The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.
8. **Health & Safety** – None
9. **Procurement** - None
10. **Risk** – None.
11. **Privacy Impact** – None
12. **COSLA Implications** – None
13. **Climate Risk** - None

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